

# Jinfu Zheng Declaration (Chinese)

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被告律师  
福建省晋华集成电路有限公司

美国加利福尼亚州北区

联邦地区法院

旧金山分庭

美利坚合众国，

原告，

诉

福建省晋华集成电路有限公司等，

被告。

案件号：3:18-cr-00465-MMC

郑进福关于被告证人尤振富、吴俊生出行安排的声明

法官：尊敬的 Maxine M. Chesney  
庭审日期：2022 年 2 月 28 日

1 本人，郑进福，声明并作出以下陈述：

2 1. 我英语说得不流利，因此以我的母语中文普通话作出此声明。

3 2. 我已年满二十一（21）岁。我是中华人民共和国（“中国”）公民。本声  
4 明基于我的个人所知、公开信息以及晋华的中国律师所提供的信息。如果有要求，我完全  
5 有能力为本文所述事项作证。

6 3. 我是被告福建省晋华集成电路有限公司（“晋华”）的副总经理，负责管理  
7 包括本案在内的晋华的法律事务。在此声明中，我将更为详细地说明晋华的证人尤振富、  
8 吴俊生如亲自前往美国法院出庭作证可能面临的困难。通过与尤先生、吴先生的交流，我  
9 了解到如果可以在合理期间内返回中国，他们愿意前往美国亲自出庭作证。但是，如我在  
10 下文声明中所述，目前存在几大因素将有可能显著推迟他们的返程时间。

11 4. 第一，就为本案庭审前往美国而言，根据我们于 2022 年 4 月 28 日从各航空  
12 公司、一个机票预订网站<sup>1</sup>以及与票务代理沟通所获得的信息，我理解 5 月初从中国前往  
13 美国旧金山的航班尚有余票。因为缺少直飞航班，两位证人从其居住地中国晋江飞往加州  
14 旧金山需要花费 20-30 小时。如果这是前往美国的唯一挑战，我理解尤先生和吴先生会毫  
15 不犹豫地赴美作证。然而，如下文所述，证人将在回程时面临众多困难及不确定性。如果  
16 一切都按照最好的情况来看，两位证人至少需要大概 5 周的时间才能回家。但如果依最坏  
17 的情况来看，他们可能在数月之内都无法回家并与家人团聚。

18 5. 目前，所有自美国赴华人员在登机前，都必须在美国进行多次新冠病毒防疫  
19 检测。例如，中国驻旧金山总领事馆要求自美国出发的赴华人员在登机前 7 日、24 小时、  
20 12 小时分别前往位于旧金山的指定机构进行 3 次 rt-PCR 核酸和/或抗原检测。<sup>2</sup>我理解如

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23 <sup>1</sup>查询信息的多种途径包括：与目前提供中美之间直飞航班的航空公司电话咨询  
24 （参见脚注 6）、在中国最大的旅行信息网站携程旅行网（<https://www.ctrip.com/>）检索  
航班、咨询至少两位分属不同机构的票务代理。

25 <sup>2</sup> 中国驻旧金山总领事馆官方网站，《赴华人员健康码申请通知》（2022 年 4 月  
26 19 日更新），[http://sanfrancisco.china-](http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm)  
27 [consulate.gov.cn/eng/zytz/202201/t20220109\\_10480334.htm](http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm), 最后访问日期 2022 年 4 月 28  
28 日。

果证人从美国其他的城市返回中国也将适用同样的流程。<sup>3</sup> 这些检测使得前往中国的乘客可从中国驻美国使、领馆处获取“健康码”。<sup>4</sup> “健康码”对于任何入境中国的人来说都是必需的。

6. 此外，中国驻美国使、领馆仅向搭乘直飞航班前往中国的旅客发放健康码。<sup>5</sup> 因此，希望从美国返回中国的人无法经第三国或地区（如日本、加拿大、泰国、新加坡）转机。如果赴华旅客这样做，他们将没有资格获取健康码。而没有健康码，他们将无法入境中国。尽管有此限制，一些检索航班的商业网站仍显示此类转机航班的机票。但是出于上述原因，尤先生和吴先生不能乘坐这类航班返回中国。

7. 基于中国驻美国大使馆官方网站所提供的信息，我理解目前从美国任意城市返回中国的直飞航班只有 9 趟。<sup>6</sup> 这意味着晋华的证人在返回中国时只能在这 9 趟航班之间进行选择。

<sup>3</sup> 中华人民共和国驻美利坚合众国大使馆官方网站，《针对赴华人员的通知》（2022 年 4 月 15 日更新），[http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415\\_10668661.htm](http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415_10668661.htm)，最后访问日期 2022 年 4 月 28 日。

<sup>4</sup> 参见中华人民共和国驻美利坚合众国大使馆官方网站，《针对赴华人员的通知》（2022 年 4 月 15 日更新），“1. 为防止检测后长途旅行感染，自 2020 年 12 月 23 日起，赴华旅客必须在其直接飞往中国的出发城市提供用于 rt-PCR 核酸和 IgM 血清抗体检测的样本……在收到报告后，旅客需要向中国驻美使、领馆（基于领事管辖权）申请健康码，在其失效前出行，并在登机前准备好接受航空公司的检查。”[http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415\\_10668661.htm](http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415_10668661.htm)，最后访问日期 2022 年 4 月 22 日。

<sup>5</sup> 中华人民共和国驻美利坚合众国大使馆官方网站，《针对赴华人员的通知》（2022 年 4 月 15 日更新）：“12. 关于转机：

（一）驻美使馆不为从美国经第三国（地区）赴华人员审发健康码。

（二）所在国有直达赴华航班的第三国人员，请勿通过驻美使馆领区赴华，驻美使馆不为此类人员审发健康码……”[http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415\\_10668661.htm](http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415_10668661.htm)，最后访问日期 2022 年 4 月 28 日。

<sup>6</sup> 中华人民共和国驻美利坚合众国大使馆官方网站，《针对赴华人员的通知》（2022 年 4 月 15 日更新）：中国驻美使、领馆为乘坐以下直飞航班人员审发健康码：美国航空(AA127, 达拉斯-上海), 达美航空(DL283, 底特律-上海, DL287, 西雅图-上海), 联合航空(UA857, 旧金山-上海), 中国国际航空(CA988, 洛杉矶-北京/天津, CA770, 洛杉矶-深圳), 中国南方航空(CZ328, 洛杉矶-广州), 厦门航空(MF830, 洛杉矶-厦门), 中国东方航空(MU588, 纽约-上海). [http://us.china-](http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415_10668661.htm)

8. 根据我们于 2022 年 4 月 28 日从各航空公司、机票预订网站<sup>7</sup>以及与票务代理沟通所搜集的信息，2022 年 5、6 月从美国返回中国的机票（经济舱或商务舱）都非常紧张。我认为这可能出于下述几个原因。首先，5、6 月是在美中国留学生暑期回国的高峰期。其次，如前文所述，在目前的航空及出行政策之下，由美国前往中国可选的直飞航班仅有 9 趟。最后，因当下正值上海爆发新冠疫情，入沪国际航班被要求将客座率由 75%调减至 40%以内<sup>8</sup>。因此，此期间内的大多数返程机票均已售罄。我们所能检索到的最早返程机票是 6 月 27 日由达拉斯飞往上海的航班。其他美国至中国的直飞航班直到 7 月乃至更晚才有余票。

9. 更复杂的是，如果证人一旦在美国感染新冠病毒、有疑似症状、或密切接触感染病例，他们将不得不在美国停留更长的时间。毋庸置疑，证人在前往美国的途中及在美国停留期间均面临感染新冠肺炎的风险，特别是最近美国已不再强制要求乘客在乘坐公共交通工具时佩戴口罩。我还通过浏览新闻了解到美国的新冠肺炎感染病例目前再次上升。

10. 如证人在美国期间感染新冠肺炎，其至少需要在美国停留 8 周以上的时间，并完成三步程序，才能从中国驻美使、领馆处申请并获得回国所必需的健康码。第一步，赴华人员需要进行两次核酸检测，并将核酸检测阴性结果发送至相关中国驻美国使、领馆审核并确认。显然，证人必须痊愈以及检测结果呈阴性之后才能进行上述步骤，我理解这在某些情况下可能会耗时数周。第二步，自收到中国驻美使、领馆发出的前述确认后，

[embassy.gov.cn/eng/zytz/202204/t20220415\\_10668661.htm](https://embassy.gov.cn/eng/zytz/202204/t20220415_10668661.htm), 最后访问日期 2022 年 4 月 28 日。

<sup>7</sup> 查询信息的多种途径包括：与目前提供中美之间直飞航线的航空公司电话咨询（参见脚注 6）、在中国最大的旅行信息网站携程旅行网（<https://www.ctrip.com/>）检索航班、咨询至少两位分属不同机构的票务代理。

<sup>8</sup> “国外航司被通知减少入境上海航班的载客量”，<https://www.bloomberg.com/news/articles/2022-04-07/foreign-airlines-told-to-cut-passengers-into-covid-hit-shanghai>, 最后访问日期 2022 年 4 月 28 日。

<sup>9</sup> “由于一项立即生效的法院判令，截止到 2022 年 4 月 18 日，美国疾病控制与预防中心在 2021 年 1 月 29 日要求在公共交通工具和交通枢纽佩戴口罩的命令不再有效。”<https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>, 最后访问日期 2022 年 4 月 28 日。

1 此类赴华人员需要进行为期 6 周的自我隔离和健康状况监测,并再次进行核酸检测。如果  
2 在此期间其出现特定症状或者核酸检测呈阳性,则 6 周的隔离期间重新起算。<sup>10</sup> 第三步,  
3 6 周隔离及监测期结束后,赴华人员可于登机前 7 日开始进行上述常规行前防疫检测流程,  
4 并申请健康码。

5 11. 如证人在美国期间仅是密切接触确诊病例,或出现符合新冠肺炎的症状但是  
6 检测结果呈阴性,则其至少需要在美国停留 3 周以上的的时间,才能申请并获得登机所必需  
7 的健康码。这三周时间包括为期 14 天的自我隔离,且在隔离的第 1、4、7 天分别进行核  
8 酸检测。待 14 天隔离结束且 3 次核酸检测结果均为阴性后,该类人员方可在登机前 7 日  
9 开始前述行前防疫检测程序,并申请健康码。<sup>11</sup>

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11  
12 <sup>10</sup> 参见中国驻旧金山总领事馆,《赴华人员健康码申请通知》(2022 年 4 月 19 日  
更新),

13 “九. 针对有感染史的人员:

14 (1) 如果您被诊断为感染新型冠状病毒或 rt-PCR 核酸或抗体检测呈阳性(非因疫  
苗接种)检测呈阳性,您将被视为有感染史。

15 (2) 符合以下条件,您可以申请健康码:

16 -在美国的任何实验室,且取样时间间隔超过 24 小时的情况下进行两次 rt-PCR 核  
17 酸检测,两次检测结果均呈阴性。

18 -在进行第二次 rt-PCR 核酸检测后,进行至少 6 周的自我隔离,并记录您的每日体  
19 温和健康状况。如果您在自我隔离期间出现任何症状,如发热、咳嗽、腹泻,请进行另一  
次 rt-PCR 核酸检测。如果结果呈阴性,则再进行 6 周的自我隔离。如果结果呈阳性,您  
需要等到痊愈并重新完成整个过程。

20 [http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109\\_10480334.htm](http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm),  
21 最后访问日期 2022 年 4 月 28 日。

22 另参见中国驻洛杉矶总领事馆,《赴华人员健康码申请通知》(2022 年 4 月 19 日  
更新), [http://losangeles.china-consulate.gov.cn/eng/gdxw/202101/t20210107\\_5421607.htm](http://losangeles.china-consulate.gov.cn/eng/gdxw/202101/t20210107_5421607.htm),  
23 最后访问日期 2022 年 4 月 28 日。

24 <sup>11</sup> 参见中国驻旧金山总领事馆,《赴华人员健康码申请通知》(2022 年 4 月 19 日  
更新):

25 “十、针对密切接触者以及疑似症状人员:

26 (1) 与确诊病例、疑似病例或者无症状感染者有未采取有效防护接触的人员为密  
27 切接触者,抗原检测呈阳性的人员也被认为是密切接触者;

28



12. 即便证人成功地购买到返回中国的机票且获得登机所需的健康码，航班仍面临着临时被取消的风险。根据中国民用航空局发布的《关于国际定期客运航班熔断措施调整试行的通知》，<sup>12</sup> 如某一入境中国的航班上发现一定数量的确诊病例，其后续航班将被暂停运行 2-8 周。如果证人的航班被取消，他们需要重新预订最早的可行航班并重新进行中国使、领馆所要求的行前防疫检测程序，这将进一步推迟他们的返程时间。

13. 另外，中国大多数省、市（包括 9 趟美中直飞航线的中国抵达城市）对入境人员均有强制隔离要求。在其所抵达的中国入境城市及其居住的城市，证人均有可能被要求隔离。例如，泉州市要求从国内中、高风险城市返回的人员在指定酒店或者居家隔离 14 天。<sup>13</sup> 这意味着，如证人入境中国的城市存在疫情爆发（如上海），他们可能面临着至少 35 天甚至更多天数的隔离要求：目前从上海入境将被隔离 21 天，在泉州另外隔离 14 天。考虑到奥密克戎变异株在中国快速传播，证人入境城市出现新冠疫情爆发的可能性较高。

14. 晋华有两名员工于 3 月先后从台湾入境上海。他们本计划在结束入境隔离之后从上海返回泉州。然而，在上海疫情恶化之后，其中一人因位于管控区内而无法返回泉

(2) 密切接触者或者有疑似症状的人员须进行为期至少 14 天的自我隔离，完成健康监测，在隔离期间第 1、4、7 天分别进行核酸检测，完成上述程序且检测结果均为阴性后，请遵照本通知中的要求，包括在乘机前 7 日进行一次 rt-PCR 核酸检测、进行为期 7 天的自我健康监测，并在起飞前 12 小时，24 小时之内进行相应的检测，申请健康绿码等。如果检测结果仍呈阳性，您应重新进行前述步骤直到满足所有要求。”  
[http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109\\_10480334.htm#:~:text=All%20passengers%20going%20to%20take,planning%20your%20trip%20to%20China](http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm#:~:text=All%20passengers%20going%20to%20take,planning%20your%20trip%20to%20China), 最后访问日期 2022 年 4 月 28 日。

<sup>12</sup> 参见《关于国际定期客运航班熔断措施调整试行的通知》，  
[http://www.caac.gov.cn/XXGK/XXGK/TZTG/202104/t20210429\\_207386.html](http://www.caac.gov.cn/XXGK/XXGK/TZTG/202104/t20210429_207386.html), 最后访问日期 2022 年 4 月 27 日。

英文版翻译请见：  
<http://www.caac.gov.cn/en/XWZX/202104/P020210429433858261746.pdf>, 最后访问日期 2022 年 4 月 27 日。

<sup>13</sup> “对高风险地区入（返）泉人员，严格落实 14 天集中医学观察措施，对中风险地区入（返）泉人员，实施 14 天居家医学观察措施（不具备居家医学观察条件的，转为集中医学观察），并在其医学观察期间第 1、3、7、10、14 天各进行一次核酸检测。”中国政府网，[http://www.gov.cn/zhuanti/2021yqfkgdzc/index.htm#](http://www.gov.cn/zhuanti/2021yqfkgdzc/index.htm#/)，最后访问日期 2022 年 4 月 28 日。

1 州。另外一人所预订的返回泉州的机票则不断地被取消。因此，二人直至今日仍滞留在上  
2 海。

3  
4 15. 最后，我曾与尤先生及吴先生沟通并了解到他们均承担着一一定的家庭责任，  
5 如果他们数月无法回家将造成较大困难。尤先生的母亲一直患有严重的疾病，我最近了解  
6 到他的母亲于 2022 年 4 月 27 日夜里去世了，尤先生因此需要返回台湾去处理后事。如果  
7 尤先生返回台湾，他需要在到达台湾之后完成为期 14 天的隔离，并在未来至少 1-2 个月  
8 内无法返回大陆。经与他讨论，我理解如果他可以在 5 月 9 日那一周完成远程作证，他愿  
9 意将回台行程推迟到作证之后。吴先生目前与他父母居住，他的妻儿居住在另一个城市。  
10 吴先生的父母均有一些健康问题。他需要每三周带他们去医院获得处方药。如果数月无法  
11 回家，他担心将无法妥当地照顾他的父母。

12  
13 我理解加利福尼亚州法律以及美国法律中关于伪证罪的处罚，我声明上述内容真实  
14 无误。

15 于 2022 年 5 月 2 日在中国福建省晋江市签署。

16  
17  
18 By: \_\_\_\_\_

19 郑进福





签名认证

根据《民事地方规则》第 5-1(i)条，我证明本文件的任何其他签署人均已同意提交本文件，如有伪证，我将接受处罚。

/s/ Jack P. DiCanio  
Jack P. DiCanio

# Jinfu Zheng Declaration (English)

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FUJIAN JINHUA INTEGRATED CIRCUIT CO., LTD.

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FUJIAN JINHUA INTEGRATED CIRCUIT  
CO., LTD., *et al.*,

Defendants.

CASE NO.: 3:18-cr-00465-MMC

**DECLARATION OF JINFU ZHENG  
REGARDING TRAVEL  
ARRANGEMENTS FOR  
DEFENDANT'S WITNESSES YOU  
ZHENFU AND WU JUNSHENG**

Judge: The Honorable Maxine M. Chesney  
Trial Date: February 28, 2022

1 I, Jinfu Zheng, declare and state as follows:

2 1. I do not speak English fluently and therefore make this declaration in my native  
3 language of mandarin Chinese.

4 2. I am over twenty-one (21) years of age. I am a citizen of the People's Republic of  
5 China ("China"). This declaration is based on my personal knowledge, information found from  
6 publicly available sources, and Jinhua's local counsel. If called upon, I am fully competent to  
7 testify to the matters set forth herein.

8 3. I am the Vice President of Defendant Fujian Jinhua Integrated Circuit Co., Ltd.  
9 ("Jinhua"). I am responsible for overseeing Jinhua's legal affairs, including this case. I offer this  
10 Declaration to explain in more detail the difficulties that Jinhua witnesses You Zhenfu and Wu  
11 Junsheng would likely encounter if they were to travel to the United States to testify before this  
12 court. I understand from speaking with Messrs. You and Wu that they are willing to travel to the  
13 United States to testify live if they could return to China within a reasonable period of time.  
14 However, as I set forth below, there are several issues which may substantially delay their return.

15 4. First, with respect to travel to the United States for trial, according to the  
16 information we gathered on April 28, 2022, from various airlines, a flight booking website<sup>1</sup> and  
17 discussions we had with travel agents, I understand that there are tickets available for flights from  
18 China to San Francisco in early May. It will take 20-30 hours to arrive in San Francisco, California  
19 from Jinjiang, China where the witnesses are currently located, because of the lack of direct flights.  
20 If that was the only hardship in traveling to the United States, I understand that Messrs. You and  
21 Wu would not hesitate to travel to the United States. However, as explained below, the witnesses  
22 will face significant hardship and uncertainty in their return journey. If everything goes as well as  
23 it possibly can, it will likely take the witnesses a minimum of approximately five weeks to return  
24

25 \_\_\_\_\_  
26 <sup>1</sup> The various search methods include phone inquiries with airlines that currently operate  
27 direct flights between the U.S. and China (see footnote 6), flight search on the largest travel  
28 information website in China, Ctrip (<https://www.ctrip.com/>), and inquires with at least two  
separate travel agents.

1 home. In the worst-case scenario, however, it could be months before they could return home and  
2 reunite with their families.

3 5. At present, all passengers traveling from the United States to China must take  
4 various COVID-related tests in the United States before boarding a plane for China. For instance,  
5 the Chinese Consulate General in San Francisco requires China-bound passengers to take nucleic  
6 acid rt-PCR and/or antigen tests three times before their flight: first, seven days before the flight;  
7 second, 24 hours before their flight; and finally, within 12 hours of the flight at a designated facility  
8 in San Francisco.<sup>2</sup> I understand this process is the same if the witnesses return to China from  
9 another U.S. city.<sup>3</sup> These tests allow China-bound passengers to obtain a “health code” from the  
10 Chinese Embassy or Consulate General before boarding.<sup>4</sup> This “health code” is required for  
11 anyone to enter China.

12 6. Moreover, the Chinese embassy and consulates in the U.S. only issue health codes  
13 to passengers who fly directly to China from the United States.<sup>5</sup> Because of that, someone hoping  
14

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15 <sup>2</sup> Consulate-General of China in San Francisco official website, “Notice on Application  
16 of Health Code for China-bound Passengers (Updated April 19, 2022),”  
17 [http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109\\_10480334.htm](http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm), last  
visited on April 28, 2022.

18 <sup>3</sup> Chinese Embassy in the United States official website, “Notice for China-bound  
19 Passengers (Updated April 15, 2022),” [http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415\\_10668661.htm](http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415_10668661.htm), last visited on April 28, 2022.

20 <sup>4</sup> See Chinese Embassy in the United States official website, “Notice for China-bound  
21 Passengers (Updated April 15, 2022),” “1. In order to prevent infection from long-distance  
22 travel after testing, starting from December 23, 2020, passengers traveling to China must get  
23 their samples for the nucleic acid rt-PCR and IgM serum antibody tests collected at the departure  
24 city of their direct flight to China... Upon receiving the reports, passengers need to apply for  
health code from the Chinese Embassy or Consulate General (based on consular jurisdiction),  
travel before it expires and be prepared for checking by the airlines before boarding.”  
[http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415\\_10668661.htm](http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415_10668661.htm), last visited on April  
2022.

25 <sup>5</sup> Chinese Embassy in the United States official website, “Notice for China-bound  
26 Passengers (Updated April 15, 2022),” “12. About transit

(1) The Embassy does not issue health code for passengers who fly from the U.S. to  
27 China by transiting in a third country (region).

1 to return to China from the United States cannot transit through a third country or region (*e.g.*,  
 2 Japan, Canada, Thailand, Singapore). If they do so, they will be ineligible to receive a health code,  
 3 and without a health code, they cannot enter China. Despite this limitation, several commercially  
 4 available websites for flights show such connecting flights as available; for the reasons stated  
 5 above, however, these flights could not be used by Messrs. You and Wu to return to China.

6 7. My understanding, based on the Chinese Embassy in the United States' official  
 7 website, is that there are only nine flights which fly directly to China from any city in the United  
 8 States.<sup>6</sup> That means when Jinhua's witnesses return to China, they can only return on one of these  
 9 nine flights.

10 8. According to the information we gathered on April 28, 2022, from various airlines,  
 11 a flight booking website<sup>7</sup> and discussions with travel agents, there are very limited tickets available  
 12 for flights from the U.S. to China (economy or business class) during May and June 2022. I believe  
 13 that this may be for a few reasons. First, May and June are the peak season for Chinese students  
 14 in the U.S. to return home for summer vacation. Second, as explained earlier, there are only nine  
 15 U.S.-China direct flights available under the current aviation and travel policies. Third, because

16  
 17  
 18 (2) For passengers who transit in the U.S. and then fly directly to China:

19 - Health code will not be issued by the Embassy to passengers whose departure country  
 20 has a direct flight to China..." [http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415\\_10668661.htm](http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415_10668661.htm), last visited on April 28, 2022.

21 <sup>6</sup> Chinese Embassy in the United States official website, "Notice for China-bound  
 22 Passengers" (Updated April 15, 2022), the Chinese embassy and consulates in the U.S. issue  
 23 health codes for the following direct flights: American Airlines (AA127, Dallas-Shanghai), Delta  
 24 Airlines (DL283, Detroit-Shanghai, DL287, Seattle-Shanghai), United Airlines (UA857, San  
 25 Francisco-Shanghai), Air China (CA988, Los Angeles-Beijing/Tianjin, CA770, Los Angeles-  
 26 Shenzhen), China Southern Airlines (CZ328, Los Angeles-Guangzhou), Xiamen Airlines  
 27 (MF830, Los Angeles-Xiamen), and China Eastern Airlines (MU588, New York-Shanghai).  
 28 [http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415\\_10668661.htm](http://us.china-embassy.gov.cn/eng/zytz/202204/t20220415_10668661.htm), last visited on April  
 28, 2022.

<sup>7</sup> The various search methods include phone inquiries with airlines that currently operate  
 direct flights between the U.S. and China (see footnote 6), flight search on the largest travel  
 information website in China, Ctrip (<https://www.ctrip.com/>), and inquires with at least two  
 separate travel agents.



1 of the current COVID outbreak in Shanghai, international flights arriving in Shanghai are required  
 2 to reduce the passenger load from 75% to below 40%.<sup>8</sup> As a result, most of the return tickets are  
 3 sold out during this period of time. The earliest available return tickets we could find are on June  
 4 27, from Dallas to Shanghai. Other U.S.-China direct flights did not have any available seats until  
 5 sometime in July or even later.

6 9. Further complicating matters, if the witnesses are infected with COVID-19 while  
 7 they are in the United States, have suspected symptoms, or are in close contact with an infected  
 8 person, they will have to remain in the U.S. for an extended period of time. Undoubtedly, the  
 9 witnesses are at risk of contracting COVID-19 both en route to the U.S. and during their stay there,  
 10 especially now that mask wearing is no longer mandatory on public transportation in the U.S. I  
 11 also understand from reading the news that Covid cases are rising again in the U.S.<sup>9</sup>

12 10. If a witness is infected with COVID-19 while he is in the U.S., he will have to stay  
 13 in the U.S. for at least eight weeks and complete a three-step process before he can apply for and  
 14 obtain a health code from the Chinese embassy or consulate necessary for returning China. The  
 15 first step is taking two nucleic acid tests and sending the negative test results to the relevant  
 16 Chinese embassy/consulate for review and confirmation. Obviously, the individual cannot take  
 17 those tests until they have recovered from COVID-19 and test negative, which I understand can  
 18 take weeks in some cases. The next step is that, after receiving the confirmation from the Chinese  
 19 embassy or consulate of the negative test results, the individual must undergo a six-week self-  
 20 quarantine and health status monitoring period, and take another nuclear acid test. If the passenger  
 21

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22 <sup>8</sup> “Foreign Airlines Told to Cut Passengers Into Covid-Hit Shanghai,”  
 23 <https://www.bloomberg.com/news/articles/2022-04-07/foreign-airlines-told-to-cut-passengers-into-covid-hit-shanghai#:~:text=International%20airlines%20have%20been%20told,people%20familiar%20with%20the%20matter>, last visited on April 28, 2022.

25 <sup>9</sup> “As a result of a court order, effective immediately and as of April 18, 2022, CDC’s  
 26 January 29, 2021 Order requiring masks on public transportation conveyances and at  
 27 transportation hubs is no longer in effect.” <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>, last visited on April 28, 2022.

develops symptoms or tests positive during this period, he needs to re-start a six-week quarantine.<sup>10</sup> Finally, after the six-week quarantine and monitoring period is completed, the passenger can start the regular pre-travel procedures described above seven days before boarding, and apply for the health code.

11. If a witness is merely in close contact with a confirmed COVID-19 case or has symptoms consistent with COVID-19 while in the U.S., but tests negative, the person will have to remain in the U.S. for at least three weeks before he can apply for and obtain a health code. This three-week period consists of a 14-day self-quarantine, with a nucleic acid tests on the 1st, 4th, and 7th day of the quarantine, respectively. After the 14-day self-quarantine and if all three nucleic

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<sup>10</sup> See Chinese Consulate-General in San Francisco, “Notice on Application of Health Code for China-bound Passengers (Updated April 19, 2022),”

“9. For passengers with infection history.

(1) If you were diagnosed with COVID-19 or tested positive for nucleic acid rt-PCR or antibody (not due to vaccination), you are considered as having an infection history.

(2) You can apply for a health code if you meet the following requirements:

- Take two nucleic acid rt-PCR tests with a sampling interval of over 24 hours in any laboratory in the U.S. and both tests return negative results.

- Take a self-quarantine for at least six weeks and record your daily body temperature and health conditions after the second nucleic acid rt-PCR test. If you develop any symptoms such as fever, cough, diarrhea during the self-quarantine, take another nucleic acid rt-PCR test. If the result is negative, start a six weeks quarantine again. If the result is positive, you will need to wait until you recover and redo the whole process.

- After completing the above-mentioned procedures, please follow the requirements of this notice, including taking a nucleic acid rt-PCR test seven days before boarding, monitoring your health for seven days, taking required tests within 24 hours and 12 hours before departure, and applying for a Blue Health Code, etc. If the test result is still positive, you will need to complete the previous steps again until you meet all the requirements.”

[http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109\\_10480334.htm](http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm), last visited on April 28, 2022.

See also Chinese Consulate-General in Los Angeles official website, “Notice on application of health code for China-bound passengers” (Updated on April 19, 2022), [http://losangeles.china-consulate.gov.cn/eng/gdxw/202101/t20210107\\_5421607.htm](http://losangeles.china-consulate.gov.cn/eng/gdxw/202101/t20210107_5421607.htm), last visited on April 28, 2022.

acid test results are negative, such passengers can begin the pre-travel procedures described above seven days before boarding and apply for the health code.<sup>11</sup>

12. Even if the witnesses successfully purchased air tickets to China and obtained the health codes required for travel, the flight may still be cancelled without warning at any time. According to the “CAAC Notice on Trial Implementation of Adjusting the Circuit Breaker Measures for Scheduled International Passenger Flights” issued by the Civil Aviation Administration of China,<sup>12</sup> if multiple confirmed COVID-19 case are found on a China-bound flight, that flight shall be suspended for 2-8 weeks. If the witnesses’ booked flights are cancelled, they will have to re-book the earliest available tickets and re-do the pre-travel procedures required by the Chinese embassy and/or consulates, which will cause further delay in their return journey.

13. Moreover, most provinces and cities in China (including all arrival cities of the 9 U.S.-China direct flights) have compulsory quarantine requirements for inbound passengers. Passengers can be required to quarantine both in the port city where they arrive as well as in their

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<sup>11</sup> See Chinese Consulate-General in San Francisco, “Notice on Application of Health Code for China-bound Passengers (Updated April 19, 2022),” “10. For passengers who are close contacts of confirmed COVID-19 cases or showing suspected symptoms.

(1) Passengers who have had unprotected contact with confirmed, suspected or asymptomatic cases are considered as close contacts. Passengers with a positive antigen test result are considered as close contacts as well.

(2) Close contacts or passengers showing suspected symptoms are expected to self-quarantine for at least 14 days. Please monitor your health conditions and take nucleic acid rt-PCR tests on the 1st, 4th, and 7th day of self-quarantine. After completing the above-mentioned procedures and if all the tests results are negative, please follow the requirements of this notice, including taking a nucleic acid rt-PCR test seven days before boarding, monitoring your health for seven days, taking required tests within 24 hours and 12 hours before departure, and applying for a Blue Health Code, etc. If the test result is still positive, you will need to complete the previous steps again until you meet all the requirements.” [http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109\\_10480334.htm#:~:text=All%20passengers%20going%20to%20take,planning%20your%20trip%20to%20China](http://sanfrancisco.china-consulate.gov.cn/eng/zytz/202201/t20220109_10480334.htm#:~:text=All%20passengers%20going%20to%20take,planning%20your%20trip%20to%20China), last visited on April 28, 2022.

<sup>12</sup> See CAAC Notice on Trial Implementation of Adjusting the Circuit Breaker Measures for Scheduled International Passenger Flights, [http://www.caac.gov.cn/XXGK/XXGK/TZTG/202104/t20210429\\_207386.html](http://www.caac.gov.cn/XXGK/XXGK/TZTG/202104/t20210429_207386.html), last visited on April 27, 2022. For the English version, <http://www.caac.gov.cn/en/XWZX/202104/P020210429433858261746.pdf>, last visited on April 27, 2022.

1 home city. For example, Quanzhou City requires that passengers returning from domestic medium  
 2 or high-risk areas be quarantined for 14 days in designated hotels or at home.<sup>13</sup> That means if the  
 3 witnesses arrive in a Chinese city where there is a COVID outbreak (such as Shanghai), they may  
 4 be subject to at least 35 days of quarantine, and maybe more: right now it would be 21 days in  
 5 Shanghai, the port of arrival, and another 14 days in Quanzhou City. As the Omicron variant is  
 6 fast spreading across China, the possibility that the witnesses' arrival city will have a COVID  
 7 outbreak is relatively high.

8 14. Two of Jinhua's employees arrived in Shanghai from Taiwan sometime in March,  
 9 and they originally planned to return Quanzhou City from Shanghai after the quarantine period.  
 10 However, after the COVID epidemic situation deteriorated in Shanghai, one Jinhua employee was  
 11 stuck in a controlled area and could not return to Quanzhou. Another employee's flights have been  
 12 cancelled repeatedly. As a result, they are still stranded in Shanghai until today.

13 15. Finally, I spoke with Messrs. You and Wu and understand that both have family  
 14 obligations which would create a hardship if they were unable to return home for months. Mr.  
 15 You's mother had been critically ill. I recently learned that she passed away on the night of April  
 16 27, 2022. Mr. You therefore needs to go back to Taiwan to attend to family matters. If Mr. You  
 17 returns to Taiwan, he will have to complete a 14-day quarantine upon arrival, and will be unable  
 18 to come back to China for at least 1-2 months. Upon discussion with him, I understand that if he  
 19 can testify remotely in the week of May 9, he is willing to postpone his trip to Taiwan until after  
 20 the testimony. Mr. Wu lives with his parents currently, and his wife and son live in a different  
 21 city. Both of Mr. Wu's parents suffer from a number of health conditions. Every three weeks, he  
 22  
 23

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24 <sup>13</sup> "For personnel entering (returning) Quanzhou from high-risk areas, a 14-day  
 25 centralized medical observation measure will be strictly implemented; and for those entering  
 26 (returning) Quanzhou from medium-risk areas, a 14-day medical observation at home measure  
 27 will be implemented (those who do not meet the conditions for medical observation at home will  
 28 be transferred to centralized medical observation), and nucleic acid tests will be carried out on  
 the 1st, 3rd, 7th, 10th and 14th days of the medical observation period."  
[http://www.gov.cn/zhuanti/2021yqfkgdzc/index.htm#/,](http://www.gov.cn/zhuanti/2021yqfkgdzc/index.htm#/) last visited on April 28, 2022.

1 needs to take them to the hospital to get prescription medicines. If he cannot return home for  
2 months, he is concerned that he will be unable to take proper care of his parents.

3 I declare under penalty of perjury under the laws of the California and the United States of  
4 America that the foregoing is true and correct.

5  
6 Executed on May 2, 2022, in Jinjiang City, Fujian Province, China.

7  
8 By: \_\_\_\_\_

9 JINFU ZHENG



**SIGNATURE ATTESTATION**

Pursuant to Civil Local Rule 5-1(i), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from any other signatory to this document.

/s/ Jack P. DiCanio

Jack P. DiCanio